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Pitquhiliqiyit

Department of
Culture, Language,
Elders and Youth

Ministère de la Culture,
de la Langue, des Aïnés
et de la Jeunesse

April 8, 2005

Susie Ikkutislu
Licensing Trainee
Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU X0B 1J0

Re: Nunavut Water Board License NWB2REP0305 Repulse Bay Exploration Drilling and Camp Operations (BHP Billiton Diamonds)

Due Date: May 9, 2005

Dear Ms. Ikkutisluk:

At your request, the Department of Culture and Heritage, Government of Nunavut, has reviewed the above-noted application. Our recommendations follow.

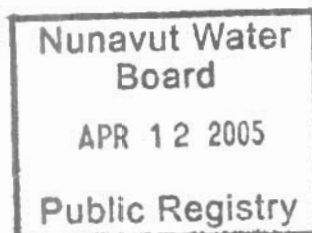
We recommend approval of the above-cited application, on the condition that the proponent's activities avoid the known archaeological sites listed in Attachment #1. The information contained in Attachment #1 is provided solely for the purpose of the proponent's land use activities as described in the land use application, and must otherwise be treated confidentially by the proponent.

The attached conditions specify plans and methods of site protection and restoration to be followed by the permittee if an archaeological site is encountered or disturbed in the course of the land use activity.

Sincerely,

Douglas Stenton
Director, Heritage
Department of Culture, Language, Elders and Youth

Encl.



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Attachment 1

CONFIDENTIAL

Borden No.	MdHs-2	Longitude	086 14 57 W
Latitude	66 32 25 N	Map No.	46L/9
Longitude	086 12 38 W	Class.	indigenous historic
Map No.	46L/9		
Class.	undetermined		
Borden No.	MdHs-3	Borden No.	MdHs-7
Latitude	66 31 06 N	Latitude	66 30 42 N
Longitude	086 09 58 W	Longitude	086 12 44 W
Map No.	46L/9	Map No.	46L/9
Class.	undetermined	Class.	indigenous historic
Borden No.	MdHs-4	Borden No.	MdHs-12
Latitude	66 30 49 N	Latitude	66 30 49 N
Longitude	086 09 46 W	Longitude	086 12 20 W
Map No.	46L/9	Map No.	46L/9
Class.	undetermined	Class.	prehistoric; indigenous historic
Borden No.	MdHs-5	Borden No.	MdHs-13
Latitude	66 31 05 N	Latitude	66 31 02 N
Longitude	086 11 36 W	Longitude	086 12 36 W
Map No.	46L/9	Map No.	46L/9
Class.	undetermined	Class.	indigenous historic
Borden No.	MdHs-6	Borden No.	MdHs-14
Latitude	66 31 02 N	Latitude	66 31 11 N
Longitude	086 12 36 W	Longitude	086 12 00 W
Map No.	46L/9	Map No.	46L/9
Class.	undetermined	Class.	indigenous historic
Borden No.	MdHs-8	Borden No.	MdHs-1
Latitude	66 30 55 N	Latitude	66 31 26 N
Longitude	086 14 17 W	Longitude	086 11 52 W
Map No.	46L/9	Map No.	46L/9
Class.	undetermined	Class.	prehistoric
Borden No.	MdHs-9		
Latitude	66 32 05 N		
Longitude	086 17 56 W		
Map No.	46L/9		
Class.	undetermined		
Borden No.	MdHs-10		
Latitude	66 30 41 N		
Longitude	086 19 22 W		
Map No.	46L/9		
Class.	undetermined		
Borden No.	MdHt-1		
Latitude	66 30 54 N		
Longitude	086 22 13 W		
Map No.	46L		
Class.	indigenous historic		
Borden No.	MdHs-11		
Latitude	66 31 54 N		



ARCHAEOLOGICAL AND PALAEOONTOLOGICAL RESOURCES TERMS AND CONDITIONS FOR LAND USE PERMIT HOLDERS

BACKGROUND

Archaeology

As stated in Article 33 of the Nunavut Land Claims Agreement:

The archaeological record of the Inuit of Nunavut is a record of Inuit use and occupancy of lands and resources through time. The evidence associated with their use and occupancy represents a cultural, historical and ethnographic heritage of Inuit society and, as such, Government recognizes that Inuit have a special relationship with such evidence, which shall be expressed in terms of special rights and responsibilities. [33.2.1]

The archaeological record of Nunavut is of spiritual, cultural, religious and educational importance to Inuit. Accordingly, the identification, protection and conservation of archaeological sites and specimens and the interpretation of the archaeological record is of primary importance to Inuit and their involvement is both desirable and necessary. [33.2.2]

In recognition of the cultural, spiritual and religious importance of certain areas in Nunavut to Inuit, Inuit have special rights and interests in these areas as defined by Article 33 of the Nunavut Land Claims Agreement. [33.2.5]

Palaeontology

Under the Nunavut Act¹, the federal government can make regulations for the protection, care and preservation of palaeontological sites and specimens in Nunavut. Under the *Nunavut Archaeological and Palaeontological Sites Regulations*², it is illegal to alter or disturb any palaeontological site in Nunavut unless permission is first granted through the permitting process.

Definitions

As defined in the *Nunavut Archaeological and Palaeontological Sites Regulations*, the following definitions apply:

"archaeological site" means a place where an archaeological artifact is found.

¹ s. 51(1)

² P.C. 2001-1111 14 June, 2001

"archaeological artifact" means any tangible evidence of human activity that is more than 50 years old and in respect of which an unbroken chain of possession or regular pattern of usage cannot be demonstrated, and includes a Denesuline archaeological specimen referred to in section 40.4.9 of the Nunavut Land Claims Agreement.

"palaeontological site" means a site where a fossil is found.

"fossil" includes:

- (a) natural casts
- (b) preserved tracks, coprolites and plant remains; and
- (c) the preserved shells and exoskeletons of invertebrates and the eggs, teeth and bones of vertebrates.

Terms and Conditions

- 1) The permittee shall not operate any vehicle over a known or suspected archaeological or palaeontological site.
- 2) The permittee shall not remove, disturb, or displace any archaeological artifact or site, or any fossil or palaeontological site.
- 3) The permittee shall immediately contact the Department of Culture, Language, Elders and Youth (867) 934-2033 or (867) 975-5500 should an archaeological site or specimen, or a palaeontological site or fossil be encountered or disturbed by any land use activity.
- 4) The permittee shall immediately cease any activity that disturbs an archaeological or palaeontological site encountered during the course of a land use operation, until permitted to proceed with the authorization of the Department of Culture, Language, Elders and Youth, Government of Nunavut.
- 5) The permittee shall follow the direction of the Department of Culture, Language, Elders and Youth and DIAND in restoring disturbed archaeological or palaeontological sites to an acceptable condition.
- 6) The permittee shall provide all information requested by the Department of Culture, Language, Elders and Youth concerning all archaeological sites or artifacts and all palaeontological sites and fossils encountered in the course of any land use activity.
- 7) The permittee shall make best efforts to ensure that all persons working under authority of the permit are aware of these conditions concerning archaeological sites and artifacts, and palaeontological sites and fossils.
- 8) The permittee shall avoid the known archaeological and/or palaeontological sites listed in Attachment 1.

9) The permittee shall have an archaeologist or palaeontologist perform the following functions, as required by the Department of Culture, Language, Elders and Youth:

- a) survey
- b) inventory and documentation of the archaeological or palaeontological resources of the land use area
- c) assessment of potential for damage to archaeological or palaeontological sites
- d) mitigation
- e) marking boundaries of archaeological or palaeontological sites
- f) site restoration

The Department of Culture, Language, Elders and Youth shall authorize by way of a Nunavut Archaeologist Permit or a Nunavut Palaeontologist Permit, all procedures subsumed under the above operations.